

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

OSWALD G. NELSON,
Plaintiff

Case No. 1:14-cv-770
Barrett, J.
Litkovitz, M.J.

vs

LT. GERALD DUDLEY, et al.,
Defendants

**REPORT AND
RECOMMENDATION**

This matter came before the Court on plaintiff's complaint filed on October 2, 2014 against federal defendants claiming civil rights violations. (Doc. 3).

On October 1, 2014, plaintiff was directed by the Court to submit a copy of his complaint, a summons form, and a United States Marshal form for each of the defendants named in this lawsuit within thirty (30) days of the date of the order pursuant to Fed. R. Civ. P. 4 (i). (Doc. 2). The Court's Order also informed plaintiff that he shall inform the Court promptly of any changes in his address which may occur during the pendency of this lawsuit. On October 14, 2014, the Order of the Court sent via certified mail to plaintiff was returned to the Clerk of Court by the U. S. Postal Service marked "Return to Sender - Unable to Forward." (Doc. 4). Subsequently, on November 7, 2014, this Court Ordered plaintiff to show cause in writing within **twenty (20) days** why this action should not be dismissed for lack of prosecution. (Doc. 5). However, on November 14,

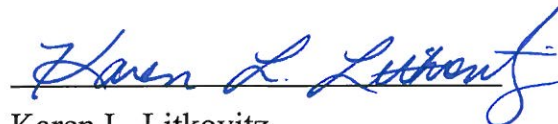
2014, the Court's Show Cause Order sent via certified mail to plaintiff was also returned to the Clerk of Court by the U.S. Postal Service marked "Return to Sender - Unable to Forward." (Doc. 6). To date, plaintiff has failed to respond to the Court's Show Cause Order.

Plaintiff's failure to respond to an Order of the Court may warrant dismissal of this case against defendant(s) pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991). District courts have this power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan*, 951 F.2d at 109.

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

Date: 11/19/14



Karen L. Litkovitz

United States Magistrate Judge

UNITED STATES DISTRICT COURT
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WESTERN DIVISION

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Defendants.

NOTICE TO THE PARTIES REGARDING FILING OF OBJECTIONS TO THIS R&R

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to these proposed findings and recommendations within **FOURTEEN DAYS** after being served with this Report and Recommendation (“R&R”). Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days (excluding intervening Saturdays, Sundays, and legal holidays) because this R&R is being served by mail. That period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. If the R&R is based, in whole or in part, upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party’s objections within **FOURTEEN DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X</p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Oswald G. Nelson 5700 Winton Road Cinti, OH 45232</p>	<p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7011 3500 0001 5345 6243</p>